IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2882 of 2005

Between:

Godisela Rama Goud, S/o. Pocha Goud,
R/o. Babasagar Village, Kowtala Mandal, Adilabad District.

..... PETITIONER

AND

1 The District Collector, Adilabad Office at Adilabad, A.P.
2 The Mandal Revenue Officer, Kowtala Mandal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in trying to dispossess declaring the action of the 2nd respondent in trying to dispossess the petitioner herein without following due process flaw is illegal void ultra vires.

Counsel for the Petitioner: MR.A.M.QURESHI

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner claims that his father, during his lifetime, and thereafter, the petitioner himself is in possession of Ac.4.00 of land in Survey No.43/1KK of Babasagar Village, Kowtala Mandal, Adilabad District, since last 50 years. He states that the

necessary entries were made in the revenue records in his favour and despite the same, the respondents are trying to evict him without initiating any proceedings.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner fairly states that the land belongs to the Government, but is in his possession for the past about five decades. Such a continued possession spread over 50 years would certainly result in valuable rights in favour of the petitioner. Even assuming that the petitioner deserves to be treated as an encroacher, he cannot be evicted without initiating any proceedings.

Hence, the writ petition is disposed of, directing that the respondents shall not dispossess the petitioner from the land in Survey No.43/1KK, admeasuring Ac.4.00, without initiating proceedings, in accordance with law. There shall be no order as to costs.

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11.03.2005

Note: Issue C.C. in two days.

(B/o)

Jsu
To

1 The District Collector, Adilabad Office at Adilabad, A.P.
2 The Mandal Revenue Officer, Kowtala Mandal, Adilabad District.

3 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies